IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24807 of 2004

Between:

Divisional Engineer (Operation), Andhra Pradesh Southern Power Distribution Company Ltd,
Gandhi Road, Chittoor.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner, Sub-Regional Office, 1/30, R.S. Road, Cuddapah.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the Demand Notice
No. AP/CP/43247/CDP/ENF/CTR/2004-05/5938, dated 20-9-2004 and set aside the same.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondent: SMT. Kavitha Yadav

The Court, at the admission stage, made the following:

ORDER:

Questioning the order No. AP/CP/43247/CDP/ENF/CTR/2004-05/5938, dated 20.09.2004 passed by the respondent-Assistant Provident Fund Commissioner under Section 7-C of the Employees Provident Funds and Miscellaneous Provisions Act 1952 (for short 'the Act'), determining a sum of Rs.4,28,829-00 from the petitioner-Company for the period from 30.03.2000 to 31.07.2003 towards dues of employees' share of Provident Fund, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent.

Though several contentions are raised questioning the impugned order, learned Standing Counsel for respondent submits that against the impugned order an appeal lies under Section 7(I) of the Act and that without availing the said remedy the petitioner has approached this Court in a haste manner.

Since alternative efficacious remedy is provided under the Act, the petitioner is at liberty to file an appeal under Section 7(I) of the Act, within a period of four weeks from today. Pending appeal there shall be stay of all further proceedings pursuant to impugned order dated 20.09.2004, on condition of petitioner depositing 50% of the amount demanded vide proceedings dated 20.09.2004, within a period of six weeks.

Subject to above observations, the Writ Petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 30.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Provident Fund Commissioner, Sub-Regional Office,

1/30, R.S. Road, Cuddapah.

2. Two CD copies.